

Jury Committee
Judicial Conference of Indiana

July 29, 2005
Minutes

1. Members present. The following members of the committee were present: Sheila Carlisle, Brent Dickson, Jeffrey Heffelfinger, Mark McIntosh, Les Meade, Michael Peyton, Kenneth Scheibenberger, William Sleva, and William Hughes, Chair.
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the committee with staff assistance.
3. Minutes. The Committee approved the minutes from February 4, 2005.
4. Jury Pool: Michelle reported on the status of the jury pool project and gave an overview of the last project meeting. The project will be ready for release this fall. A presentation on the project is planned for the September conference and distribution of the list is scheduled for late September or early October. The list will be available to courts as an option, but if a court decides to use other lists that court will need to report what lists they are using. The Jury Committee requested that an email be sent to judges before the September conference to let them know that the project is ready for release this fall so the judges can plan accordingly.
5. Rule Amendments: The Committee received a copy of the Order Amending Jury Rules 2 and 4, which are effective 1-06-05. The Committee also reviewed a proposed amendment to Jury Rule 14 to avoid unnecessary duplication of information given to prospective jurors. After the Committee discussed the proposal it unanimously approved the proposed amendment. Finally, the Committee reviewed a proposed technical amendment to Jury Rule 27. The Committee discussed the proposal and approved an additional amendment to remove "trying the case" from the end of the first sentence of the rule. With the additional amendment, the Committee unanimously approved the proposal.
6. Legislation: Judge Hughes discussed HB 1174 and the request by the Chief Justice to examine Jury Rule 8 on documentation of deferrals to address concerns raised by Rep. Mays of Indianapolis. The Committee discussed the ways in which they handle requests for deferral, which include receiving the requests by telephone. The Committee members indicated that in accepting telephone requests they do so with the understanding that the proper documentation will be submitted to the court by mail or fax; place the juror under oath on the record and obtain the necessary information and rule at that time; or have an affidavit filed by staff receiving the telephone request documenting the information for the deferral. The Committee decided that the current language of Jury Rule 8 was sufficient to cover a broad range of options for receiving deferrals and did not need to be amended. The Committee did decide to post a FAQ noting the various options for accepting and documenting deferrals and information for the general public regarding deferral requests on the web. The Committee recommended that a letter be sent to Rep. Mays to communicate our efforts in addressing the concerns she raised. The Committee asked Michelle to draft the web postings and email them for Committee approval prior to posting.

The Committee also briefly discussed legislation concerning juror exemptions.

7. Minimum Orientation Standards: Justice Dickson presented the proposed amendments to the orientation standards drafted by the sub-committee. After review by the Committee, the proposed amendments were adopted. The Committee asked that this proposal be submitted to the Board of Directors in September and if approved, have an announcement during the September conference to make judges aware of the changes.
8. Other business: The Committee discussed a question concerning when to place jurors who have completed service back into the jury pool. The Committee members discussed the procedures in their counties on this issue and the draft response for this question. The Committee decided instead of posting an FAQ a letter should be sent in response to this question. Judge Scheibenberger abstained from this discussion.

The Committee also discussed an issue raised regarding juror privacy and the media reporting juror names in news articles. The Committee discussed the issue and determined that this is an issue that the local judges would have to address.

The Committee discussed an issue raised concerning jury orientation for the hearing impaired. A request was received from a county to have a transcript of the jury orientation video so it can be provided to those with hearing impairments when called for jury service. The Committee discussed this request and decided that a transcript of the video could be provided for the scripted portions of the video, but the juror testimonials would not need to be transcribed since they do not provide any additional information that is not already in the scripted portion. The Committee then discussed whether and how the ADA applied to jury duty and thought that this type of information should be made available to judges in anticipation of questions in this area. The Committee requested Michelle to research this area and see what other states are doing in this area.

Judge Peyton reported that jurors in his county have been responding to the exit survey for jurors and that he had added a question regarding security to the survey.
9. Next meeting: The next meeting will be held on Friday, October 14, 2005 at 10:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman